

CITY OF SOMERVILLE, MASSACHUSETTS MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT JOSEPH A. CURTATONE MAYOR

MICHAEL F. GLAVIN EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, CHAIRMAN RICHARD ROSSETTI, CLERK DANIELLE EVANS ELAINE SEVERINO JOSH SAFDIE ANNE BROCKELMAN, (ALT.)

POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2017-09 Site: 8 Hamilton Road Date of Decision: April 5, 2017

Decision: <u>Petition Approved with Conditions</u> **Date Filed with City Clerk:** April 7, 2017

ZBA DECISION

Applicant Name: 8 Hamilton, LLC

Applicant Address: 1208 VFW Parkway, Suite 103, West Roxbury, MA 02132

Property Owner Name: 8 Hamilton, LLC

Property Owner Address: 1208 VFW Parkway, Suite 103, West Roxbury, MA 02132

Agent Name: Richard G. DiGirolamo, Esq.

Agent Address: 424 Broadway, Somerville, MA 02145

Legal Notice: Applicants and Owners, 8 Hamilton, LLC, seek a Special Permit under

SZO §4.4.1 to increase the FAR by finishing the basement and attic, and a Special Permit under Article 9 of the SZO for parking relief.*

Zoning District/Ward: RA zone/Ward 7

Zoning Approval Sought: §4.4.1

Date of Application:January 23, 2017Date(s) of Public Hearing:3/15 & 4/5/17Date of Decision:April 5, 2017

<u>Vote:</u> 5-0



^{*} Since this legal ad was run, it has been determined that there is no need for parking relief. An explanation of this determination appears in the report.

Appeal #ZBA 2017-09 was opened before the Zoning Board of Appeals at Somerville City Hall on March 15, 2017. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The Applicant proposes to add two dormers, one each to the left and right elevations. The basement and attic spaces will both be finished, adding more living space to the property. The dormer additions and finishing of the attic and basement result in an increase in FAR.

Currently, the property has two bedrooms in Unit 1 and three bedrooms in Unit 2. The bedroom count for each unit after renovations will be three, bringing the building total to six. On their application, the Applicant states that the property currently provides three parking spaces. However, Staff review finds that only one parking space is truly provided, in the garage. The other two parking spaces indicated by the applicant are tandem to the garage, making for a situation of three tandem parking spaces. Staff only recognizes this situation as providing one parking space currently.

Despite this increase in bedroom count and the ability of the Applicant to provide only one true parking space under existing conditions, it has since been determined that the Applicant does not need parking relief. The explanation for this determination appears later in this report.

The proposal has changed since the issuance of the first staff report. The ward alderman objected to the flat roofs on the two proposed dormers. In response, the Applicant now proposes pitched dormers, both of which are larger than those depicted in the original plan set that was distributed to the Board.

The change in roof style for the left dormer has pushed the base of the dormer into the left side yard setback. This does not, however, create a new violation, but extends an existing non-conformity as this side of the house was already at 5 feet from the property line.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1 of the SZO. This section of the report goes through §5.1 in detail.

1. <u>Information Supplied:</u>

The Board finds that the information provided by the Applicant conforms to the requirements of §4.4.1 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permit.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are non-conforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

The property is non-conforming in several ways, but the non-conformities triggering the need for special permitting are the FAR and the left dormer which now resides within the side yard setback.



Regarding §4.4.1 of the SZO

The existing basement is currently unfinished. This unfinished space contains storage space for the two units, mechanicals, and electrical panels. There is a walkway within the basement that allows access to these areas.

The Applicant proposes finishing the basement for the exclusive use of Unit 1. The finished space will contain two bedrooms, a family room, full bath, walk-in closet, laundry and mechanicals. To accommodate emergency egress from the two new bedrooms, areaways will be added outside of each bedroom egress window. Staff finds this alteration (finishing the basement) to comply with the standards of the ordinance in that it allows a property owner to make some modifications to a property that provide for additional living space without adding to the building's massing on the site or within the neighborhood.

Eliminating the chimney stack and finishing the attic space will also contribute to the increase in FAR. The attic space is currently unfinished. The Applicant proposes to finish the attic space to create a master bedroom suite for Unit 2. The Applicant proposes to gain usable space to create this suite by constructing two dormers, one on the right elevation and the other on the left elevation. At 21' 5 ¼ " each, these dormers are now at 50% of the roof plane to which they are attached, which measures to 42' 11 ¼". Both dormers fall outside of the right and left yard setbacks. The Board finds that these alterations comply with the standards of the ordinance in that they allow for a property owner to add a reasonable amount of living space to the building, in this case, to accommodate a master bedroom. The total bedroom count for this unit will remain the same, with the bedrooms re-arranged to be located in different areas of the house than before the renovations.

The Applicant also proposes to remove some massing from the front of the structure by opening up the two front porches which are currently enclosed. As the Planning Office is not supportive of enclosed front porches due to the additional massing they create along front facades of buildings, the Board finds that the reduction in massing created by opening the porches will be an improvement to the site and to the streetscape, allowing for more interaction between the building residents and the sidewalk/street.

Regarding Article 9 of the SZO

Although the total bedroom count is increasing by one on the property, there is no need for parking relief. This determination was made as follows:

Unit#	Existing Bedrooms	Req'd Parking	Proposed Bedrooms	Req'd Parking
1	2	1.5	3	2.0
2	3	2.0	3	2.0

Total Req'd Parking (existing conditions) 3.5 spaces

Total Req'd Parking (proposed conditions) 4.0 spaces

The parking calculation is as follows:

(New Parking Requirement – Old Parking Requirement) x .5 = No. of new spaces required

$$(4.0 - 3.5 = .5 \times (.5) = .25*$$



CITY HALL ● 93 HIGHLAND AVENUE ● SOMERVILLE, MASSACHUSETTS 02143 (617) 625-6600 EXT. 2500 ● TTY: (617) 666-0001 ● FAX: (617) 625-0722 www.somervillema.gov

*When the parking calculation results in a number that is less than 1 (or negative numbers), additional parking does not need to be provided by the Applicant.

3. <u>Consistency with Purposes:</u> The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal, as conditioned by the Board, is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; and to encourage the most appropriate use of land throughout the City.

The proposal is also consistent with the purposes of the RA zoning district which are "...to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.

4. <u>Site and Area Compatibility:</u> The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The Board finds that the proposed changes to the interior of the building will not have any significant impact on the site or the surrounding area. With the exception of the dormer additions, most of the FAR increase is realized through finishing the basement. The Board finds that finishing a basement is a reasonable manner through which an Applicant can gain more livable space in their building.

The Board finds that the most impactful aspects of this project are the addition of the two dormers to the roofline and the opening of the two front porches. Though houses of a similar style on this street do not present right and left elevation dormers, the Board finds that, given that the style of the house is an early 20^{th} -century four-square, side elevation dormers of this nature would not be inconsistent with either asbuilt four-squares of the period or later additions thereto.

Opening the two-story front porches is inconsistent with the other similarly-styled residential structures on this street; numerous ones present two-story enclosed porches in the same "style" as those of 8 Hamilton. However, the Board finds that the proposal to open these porches is consistent with the policies of the City which no longer allows for front porches to be enclosed. The Board finds that opening these porches will reduce the massing of the house on the front elevation and will have a positive impact on the streetscape.

5. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

The proposal does not add to the City's affordable housing stock.

<u>SomerVision Plan:</u> Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.

The proposal contributes to SomerVision in that it improves a property in this neighborhood.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition		Timeframe for Compliance	Verified (initial)	Notes
	Approval is to increase the FAR by finishing the basement and adding a dormer to the right and left elevations. Front porches will be opened.		BP/CO	ISD/ Plng.	
	Date (Stamp Date)	Submission			
	January 23, 2017	Initial application submitted to city clerk's office			
1	March 23, 2017	Updated plans submitted to OSPCD			
	ANY changes to the approved plans, other than those changes made specifically to conform with the conditions below, must first be submitted to the Planning Division to determine whether or not they are <i>de minimis</i> in nature or whether they require review by the SPGA.				
2	The Applicant must contact the Engineering Department to coordinate the timeline for cutting or opening the street and/or sidewalk for utility connections or other construction. There is a moratorium on opening streets from November 1 st to April 1 st and there is a list of streets that have additional opening restrictions.		BP	Eng/ISD	
3	The Applicant shall present their electrical plan to lights and lines/wiring for their review and approval prior to the issuance of a Building Permit.		BP	Wiring/ISD	
4	The Applicant shall provide the Traffic & Parking Division with a plan for construction traffic management for that division's review and approval prior to the issuance of a building permit. This plan shall include delivery windows for construction equipment and materials.		ВР	T&P/ISD	
5	The Applicant shall present a demolition plan to the Inspectional Services Division (ISD) and shall follow that department's procedures for demolition and neighborhood notification thereof exactly.		BP	ISD	
6	ALL materials including, but windows, trim, fencing, hards submitted to Planning Staff for PRIOR TO the issuance of a litheir installation.	scape, decking, etc., shall be or their review and approval	BP	Planning/IS D	
Con	struction Impacts				



	The applicant shall post the name and phone number of the	During	ISD	
7	general contractor and all sub-contractors at the site	Construction	13D	
/	entrance where it is visible to people passing by.	Construction		
		During	ISD	
	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not	During Construction	ISD	
8	begin prior to 7:30am and shall finish no later than 5pm	Construction		
8				
	Monday through Friday. There shall be no construction or			
	construction-related work performed on weekends.	Desires	ICD/T 0-D	
	Deliveries to the construction site shall be limited to 9am to	During	ISD/T&P	
9	3pm so as not to interfere with the comings and goings of	Construction		
	neighborhood residents during peak commute times.	Cont /n own stree	Dlas	Deed
		Cont./perpetua	Plng.	
		1		submit
1.0	Approval is subject to the Applicant's and/or successor's			ted &
10	right, title and interest in the property.			applica
				tion
				formed
	The Applicant shall at their appears governor and account of their	CO	DDW/ICD	signed
	The Applicant shall, at their expense, replace any existing equipment (including, but not limited to street sign poles,	СО	DPW/ISD	
1.1	signs, traffic signal poles, traffic signal equipment, wheel			
11	chair ramps, granite curbing, etc.) and the entire sidewalk			
	immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and			
	driveways must be constructed to DPW standard.			
	All construction materials and equipment shall be stored	During	T&P	
	onsite. If occupancy of the street layout is required, such	Construction	1 & 1	
	occupancy must be in conformance with the requirements of	Construction		
12	the Manual on Uniform Traffic Control Devices and the			
	prior approval of the Traffic and Parking Division must be			
	obtained.			
Desi				
13	NO vinyl shall be used for clapboard, trim, decking,	CO	ISD/Plning	
13	fencing, windows or the like.	CO	13D/1 IIIIIg	
	renemy, windows of the fixe.			
	Taking a cue from the front porch windows, all windows	CO	ISD/Plning	
	shall be 6-over-one. Grids must be applied over the glass or			
	true divided lites used.			
14	No between-the-glass muntins shall be allowed. No			
	reflective or tinted glass shall be used. Dark spacers shall be			
	used. Window sash, muntins, casing, stile and rail shall be			
	dark colored. Vinyl windows shall not be allowed.			
15	All exterior lighting on the site shall be downcast and shall	Final sign off	Wiring	
13	not, in any way, spill onto abutting properties.	/ Perpetual	Inspector	
	Windows that are installed on any portion of the building	CO/Perpetual	ISD/Plng	
1				
1.5	that is 3 feet or less from the lot line shall be inoperable,			
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Pervious pavers or grasscrete shall be used for the parking area on the right elevation of the property. Materials shall be submitted to Planning Staff for their review and approval prior to installation. The left side of the property, up to the gate leading to the back yard, shall be landscaped with vegetation and a flag or fieldstone path shall lead to the yard gate. This area shall not be covered with pervious pavers. A revised landscaping plan shall be presented to Planning Staff for their review and approval prior to CO. ALL landscaping materials, including hardscape, shall be submitted to Planning Staff for their review and approval prior to installation. Physical examples of hardscape shall be presented to Staff for their review and approval. All at-grade mechanical equipment shall be screened with evergreen vegetation (no arborvitae). Planning Staff shall approve vegetative screening prior to installation. All trash and recycle areas shall be screened with eedar wood lattice or similar screening. Planning Staff shall approve such screening. No dumpsters shall be permitted on site (after the construction period is complete). 23 ALL utilities shall be buried underground Public Safety 24 The Applicant and/or Owner(s) shall meet the Fire Prevention Bureau's requirements. 25 All smoke/fire detectors shall be hard-wired. As per Somerville regulations, no grills or similar cooking/heating apparatus shall be permitted on decks. Condo docs or rental agreements shall state as such. Final Sign-Off The Applicant shall contact Planning Staff at least five (5) working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.				1
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constructed in accordance with the plans and information				
	27			
submitted and the conditions attached to this approval.				
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Page 8 Date: April 7, 2017
Case #:ZBA 2017-09

Site: 8 Hamilton Road

Attest, by the Zoning Board of Appeals:	Orsola Susan Fontano, Chairman
rittest, by the Zoning Bourd of rippedis.	Orsola Sasan i ontano, Chairman

Richard Rossetti, *Clerk*Danielle Evans
Elaine Severino
Josh Safdie

Attest, by the Administrative Assistant:

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office. Copies of all plans referred to in this decision and a detailed record of the SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

Inis is a true and correct copy of the decision filed on	in the Office of the City Clerk,
and twenty days have elapsed, and	
FOR VARIANCE(S) WITHIN	
there have been no appeals filed in the Office of the	e City Clerk, or
any appeals that were filed have been finally dismi	ssed or denied.
FOR SPECIAL PERMIT(S) WITHIN	
there have been no appeals filed in the Office of the	e City Clerk, or
there has been an appeal filed.	
Signed	City Clerk Date

